THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4186 of 2006

Dated: 21-07-2006

Between:

T.Kanaka Durga

..... PETITIONER

AND

The Regional Transport Authority,
Hyderabad.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4186 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondent-authority in insisting for production of succession certificate for transferring the vehicle bearing Registration No.AP15T 4552 in the name of the petitioner is arbitrary and illegal.

It is stated that the vehicle in question was registered in the name of the petitioner's husband, who died on 27-12-2003. It is alleged that when she made an application on 24-01-2006 requesting transfer of registration in her name, the respondent-authority had insisted to produce succession certificate. Aggrieved by the said action, this writ petition filed.

In response to the notice ordered on 04-04-2006, the Joint Transport Commissioner and Secretary, Regional Transport Authority filed a counter affidavit denying the allegation of the petitioner that the respondent-authority had insisted production of succession certificate to affect the transfer of ownership in her name. It is further stated that as per Rule 56 (2) of the Motor Vehicles Rules, 1989, the application for transfer has to be made within three months from the date of death of the owner accompanied by the following documents:

(a) The appropriate fee
(b) The Death Certificate in relation to the Registered Owner
(c) The Certificate of Registration and
(d) The certificate Insurance.

The said Rule does not include the succession certificate as one of the required documents. At any rate, in view of the statement of the respondent-authority stating that they never insisted upon production of succession certificate, no further enquiry is necessary in the writ petition.

Accordingly, the writ petition is disposed of with a direction to the respondent to consider the request of the petitioner for transfer of ownership of the vehicle following due process of law. No costs.

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G. ROHINI, J

Dated: 21-07-2006
KLP